DOCKET NO: FBT-CV22-5049450-S	:	SUPERIOR COURT
	:	
MARCUS BROWN	:	J.D. OF BRIDGEPORT
	:	
v.	:	AT BRIDGEPORT
	:	
CHARLES D. CLEMONS, JR,	:	OCTOBER 4, 2022
TOWN CLERK, ET AL.		

MOTION FOR ORDER

Defendants Mark Kohler, Secretary of the State, and the State Elections Enforcement Commission ("the State Defendants") move this Court to issue the Proposed Order as set forth below, unless a question of law is reserved to the Connecticut Supreme Court pursuant to Conn. Gen. Stat. § 9-325.

RESPECTFULLY SUBMITTED,
STATE DEFENDANTS,

MARK KOHLER,
CONNECTICUT SECRETARY OF THE STATE
STATE ELECTIONS ENFORCEMENT COMMISSION

WILLIAM TONG
ATTORNEY GENERAL

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ORDER RE: PRIMARY IN THE CONNECTICUT GENERAL ASSEMBLY 127TH HOUSE DISTRICT

This Court orders that a primary be held in the 127th House District of the Connecticut General Assembly on October 18, 2022, pursuant to Connecticut General Statutes § 9-329a(b). The primary and the following primary schedule are necessary due to the Court's findings that due to a mistake in the manual recount of the votes held on August 29, 2022, the result of the primary held on August 9, 2022 might have been different and the Court is unable to determine the result of the primary. In recognition of the fact that this primary will occur more than three weeks from the August 9, 2022 primary, and during the period when municipal election officials are also preparing for the November 8, 2022 general election, this Court hereby orders the following deadlines and procedure for the primary. This Order shall, where inconsistent with General Statutes, supersede any other dates or requirements set forth in the General Statutes for primaries or general elections.

It is ordered that:

1.   A new primary in the 127th House of Representative District of the Connecticut General Assembly shall be held on Tuesday, October 18, 2022 during the normally required polling hours.

2.   Municipal Clerks and Registrars of Voters in the City of Bridgeport shall publish notice to the public of the new primary on or before October 7, 2022.

3.   The names Marcus Brown and John Hennessy shall appear on the ballot for the new primary.

4.   Any order impounding voting tabulators or ballot bags, or other statutory requirement for such impoundment in the 127th House District, previously issued by this Court, a state agency, or otherwise required by the General Statutes, is hereby vacated or superseded, as the case may be.

5.   The registrars of voters shall designate new primary officials by Wednesday, October 12, 2022.

6.   Municipal clerks shall file a printed sample ballot for the new primary with the Secretary of the State on or before October 7, 2022.

7.   The municipal clerks shall file an affidavit regarding the number of absentee ballots being printed for the new primary with the Secretary of the State on or before October 7, 2022.

8.   The municipal election officials shall order newly printed ballots for the new primary as soon as practicable, but no later than October 5, 2022.

9.   Absentee ballot applications for the new primary shall be made available by municipal election officials beginning October 11, 2022.

10.   Municipal election officials shall make absentee ballots available for this new primary on or before October 11, 2022.

11.   Municipal election officials may use as absentee ballots in the new primary proofs of the paper ballot that will be prepared by their balloting printing vendor, and received by officials electronically, in order to permit officials to issue absentee ballots beginning on October 11, 2022. The municipal election officials shall use such proofs as absentee ballots only until such time as official printed ballots for the new primary are received by them from their printing vendor.

12.   Municipal election officials shall use regularly available absentee ballot envelopes, with serial numbers, for all absentee ballots. Officials shall maintain a log of each absentee ballot issued to each absentee ballot applicant in the new primary in the same manner as otherwise required by the General Statutes.

13.   Absentee ballots may be hand counted by election officials if a proof of the paper ballot was voted upon by an elector and the municipal election officials determine that hand counting of the ballot is required.

14.   Electors who registered to vote after August 9, 2022 are [or are not] permitted to vote in the new primary. If new electors are permitted, those electors must be registered no later than Thursday, October 14, 2022.

15.   Any paper ballots to be voted upon at the polling places for the new primary shall be received by municipal election officials on or before Tuesday, October 18, 2022 and made available for public inspection on that date.

16.   Any voting tabulator memory card to be used at the new primary shall be programmed for the new primary by October 14, 2022.

17.   Candidates for nomination in the new primary shall submit to registrars of voters a list of unofficial checkers on or before Friday, October 14, 2022.

18.   Testing of any voting tabulator to be used at the new primary shall be done on or before 12 p.m. on Monday, October 17, 2022.

19.   The canvass of the results of the election shall be conducted immediately after the close of the polls on Tuesday, October 18, 2022 and shall be conducted in the manner required by the General Statutes.

20.   Municipal election officials shall certify a result of the election on or before 5 p.m. on Wednesday, October 19, 2022. The officials shall provide that certification to the Secretary of the State via electronic mail or facsimile within one hour of the certification by municipal election officials.

21.   Municipal election officials shall issue absentee ballots for the November 8, 2022 general election beginning on Friday, October 7, 2022.

22.   The general election absentee ballots issued between October 7, 2022 and the certification of the result of the new primary on October 19, 2022, shall not contain the office of State Representative for the 127th District. Absentee ballots for the general election issued after the certification to the Secretary of the State of the new primary shall contain the name of the winner of the new primary.

23.   Municipal clerks shall file a printed sample ballot for the general election with the Secretary of the State on or before October 7, 2022 showing the absence of the office for the 127th District.

24.   The name of the candidate nominated by the Democratic Party in the new primary, shall be inserted on the general election absentee ballot by sticker, or other means deemed necessary and reasonable by the municipal election officials, until such time as the municipal election officials can obtain a paper ballot with name of the nominated candidate printed on it.

25.   Municipal clerks shall file a printed sample ballot for the general election with the Secretary of the State on or before October 21, 2022 listing the name of the winner of the new primary for the 127th District.

26.   Voting tabulators shall remain locked for fourteen days from the date of the primary. If such fourteen-day period occurs, in full or part, during the ten day period preceding the November 8, 2022 general election, municipal election officials shall be permitted to unlock voting tabulators to prepare them for use in the November 8, 2022 general election.

So Ordered this the ___th day of October, 2022

_____
The Honorable Barry K. Stevens
Judge of the Superior Court

CERTIFICATION

I hereby certify that a copy of the foregoing was e-filed and electronically delivered this 4th day of October, 2022 to:

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